

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PETER ALLEN, *et al.*

Plaintiffs,

-VS.-

CARL KOENIGSMANN, et al.

Defendants.

ORDER TO PRODUCE

19-cv-8173 (LAP)

ECF

**TO: Dennis Bradford, Superintendent
Bare Hill Correctional Facility
181 Brand Rd.
Malone, New York 12953-0020**

WHEREAS Alan Sherry DIN# 21B1223 is a class member in the above-captioned matter;

WHEREAS Mr. Sherry is currently in custody at Bare Hill Correctional Facility in, Malone, New York; and

WHEREAS Mr. Sherry's testimony is needed for a trial in the above-captioned matter; and

WHEREAS Bare Hill Correctional Facility has already been ordered to reserve the video conferencing equipment for August 9, 2023; and

NOW THEREFORE, IT IS ORDERED that the SUPERINTENDENT OF BARE HILL CORRECTIONAL FACILITY produce Alan Sherry on February 9, 2023 at 12:00pm until his testimony is complete and/or the day's proceedings have ended; and

IT IS FURTHER ORDERED that Mr. Sherry must be allowed to participate in the video proceeding in a privileged and confidential manner; DOCCS personnel must allow him to bring any legal papers Mr. Sherry has been sent by his counsel and he shall be allowed to testify without the presence of any third parties in the room, unless bona fide safety and security issues necessitate the presence of a member of DOCCS' personnel.

Dated: July ___, 2023

So ordered: _____

LORETTA A. PRESKA, U.S.D.J.